## 1AR

### K

#### The state of nature is racist and justifies colonialism – the entire theory of primal chaos is based on the “savagery” and of indigenous peoples and postulates that it is the job of Europeans to “civilize them.”

Henderson 98 (James Youngblood Henderson is an international human rights lawyer, advocate, and educator. He was born in Oklahoma to the Bear Clan of the Chickasaw Nation and also has heritage from the Cheyenne Nation. “The Context of the State of Nature,” UBC Press. 1998. <https://www.ubcpress.ca/asset/12473/1/9780774811729.pdf>) **//WW JA 1/5/18**

Hobbes’s state of nature was derived not from a scientific analysis of nature but from his understanding of European “human nature.” Hobbes characterized the state of nature as a condition of desires and passions that creates distrust and universal enmity among people in a realm where nothing is unjust: “The notions of Rights and Wrong, Justice and Injustice have there no place. Where there is no common power, there is no Law: where no Law, no Injustice.”19 The natural state is a state of war that “consisteth not in actual fighting; but in the known disposition thereto.”20 Thus, “a state of war” is a condition in which each individual or group is ready to fight with the others and in which this fact is common knowledge. It is a condition in which human stagnation and misery is self-evident: “In such condition, there is no place for Industry; because the fruit thereof is uncertain; and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Seas; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continually feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short.”21 Hobbes is concerned with irrationality rooted in the passions, which he believes lead to conflict. Even if a person is rational, no one is assured of the rationality of others, and, lacking assurance about the rationality of others, rational individuals can land in a state of war. Hobbes did not assert the universality of the state of nature. He did not believe that the state of nature “ever generally” existed “over all the world.”22 Instead, he asserted that there were “many places” where the state of nature did exist: “the savage people in many places of America, except the government of small Families, the concord whereof dependeth on naturall lust, have no government at all; and live at this day in that brutish manner, as I said before.”23 Hobbes used savages in America to illustrate the universal negative standards of primal chaos and the natural state of war. 24 The savage state envisioned by Hobbes provided more than the force creating and sustaining law and political society, however; it also created a spectacular repository of negative values attributed to Indigenous peoples. Hobbes asserted that the state of nature and civil society are opposed to one another. The state of nature has a right of nature (“Jus Naturale”): “the liberty each man has to use his own power, as he will himself, for the preservation of his own nature, that is to say, his own life; and consequently, of doing any thing which in his own judgment and reason he shall conceive to be the aptest means thereto.”25 By the right of nature, “every man has a right to every thing, even to one another’s body.”26 This reinforced the wretched and dangerous condition of the state of nature. Hobbes emphasized the tendency toward the state of nature in European society by noting the existing civil wars. He thought that these wars testified to the fact that European sovereigns remained in a state of nature toward each other as well as toward their subjects. He also believed that, with the separation between political and ecclesiastical authority in European society, the whole of Europe was not far from falling into the state of nature or the image of civil war, much in the same way as the ancient republics had been transformed into “anarchies.”27 After Hobbes made this distinction between the state of nature and civil society, the state of nature became the starting point in Eurocentric discussions of government and politics. The state of nature was the conditionality or the assumption or the given upon which the idea of the modern state or civil society was constructed. Those who attempted to construct a rational theory of the state began from Indigenous peoples in a state of nature being the antithesis of civilized society. These political philosophers ranged from Spinoza to Locke, from Pufendorf to Rousseau to Kant. These philosophers created the natural-law theory of the modern state. Hegel eliminated the state of nature as the original condition of humans but merged the theory in the relations among states. By the early eighteenth century, the usual explanation of the origin of the state, or “civil society,” began by postulating an original state of nature in which primitive humans lived on their own and were subject to neither government nor law. 28 As the first systematic theorist of the philosophy of Liberalism and Hobbes’s greatest immediate English successor, John Locke took up where Hobbes left off. In 1690, Locke published Two Treatises of Government. 29 Like Hobbes, he started with the state of nature. However, he opposed Hobbes’s view that the state of nature was “solitary, poore, nasty, brutish, and short” and maintained instead that the state of nature was a happy and tolerant one. He argued that humans in the state of nature are free and equal yet insecure and dangerous in their freedom. Like Hobbes, Locke had no proof of his theory. Indeed, there is no proof that the state of nature was ever more than an intellectual idea, since no historical or social information about it has ever existed.30 Of course, there was nothing to disprove the idea either, and Locke simply stated that “It is not at all to be wonder’d that History gives us but a very little account of Men, that lived together in the State of Nature.”31 Following Hobbes, he argued that government and political power emerged out of the state of nature. “In the beginning,” Locke wrote, “all the World was America.”32 That America is “still a Pattern of the first Ages of Asia and Europe,”33 and the relationship between the Indigenous peoples and the Europeans in America is “perfectly in a State of Nature.”34 Thus, Locke, despite his differences with Hobbes on the state of nature itself, used the idea to justify European settlement in America35 and to give Europeans the right to wage war “against the Indians, to seek Reparation upon any injury received from them.”36

#### Hobbes also justifies conceding to the sovereigns authority in EVERY instance – that justifies atrocities like the Nazi Genocide and Slavery – leaders believed their acts were necessary.

**Vote them down – their abhorrent reps promote terrible ideologies in the debate space.**

#### Reps comes first:

#### [1] Reversibility: once oppressive rhetoric is used it cannot be taken back

#### [2] Norm setting: we are part of a larger debate community with extensive norms – letting bad discourse be rampant kills the community

**[3] Competition: debate is an educational competition with no place for offensive rhetoric – that kills access to the lasting benefit debate provides**

## 1AC

### Framing

#### Ethics must begin a priori:

#### [A] Naturalistic fallacy – experience only tells us what is since we can only perceive what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises to make a moral theory.

#### [B] Empirical uncertainty – evil demon could deceive us, dreaming, simulation, and inability to know others’ experience make empiricism an unreliable basis for universal ethics. Outweighs since it would be escapable since people could say they don’t experience the same.

#### [C] Constitutive Authority – practical reason is the only unescapable authority because to ask for why we should be reasoners concedes its authority since it uses reason – anything else is nonbinding and arbitrary.

#### Next, the relevant feature of reason is universality – any non-universalizable norm justifies someone’s ability to impede on your ends i.e. if I want to eat ice cream, I must recognize that others may affect my pursuit of that end and demand the value of my end be recognized by others which also means universalizability acts as a side constraint on all other frameworks. It’s impossible to will a violation of freedom since deciding to do would will incompatible ends since it logically entails willing a violation of your own freedom

#### Thus, the standard is consistency with the categorical imperative. Prefer:

#### [1] Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify a standard without first willing that we can pursue ends free from others.

#### [2] Consequences Fail: [A] Every action has infinite stemming consequences, because every consequence can cause another consequence so we can’t predict or calculate. [B] Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events. [C] Aggregation fails – suffering is not additive can’t compare between one migraine and 10 head aches

**Impact calc: [A] There’s an act/omission distinction – otherwise we’d be held infinitely culpable for every omission which kills any conception of morality**

#### [3] Ethical frameworks are topicality interpretations of the word ought so they must be theoretically justified. Prefer on resource disparities—focusing on evidence and statistics privileges debaters with the most preround prep excluding lone-wolfs who lack huge evidence files. A debater under my framework can easily be won without any prep since minimal evidence is required. That controls the internal link to other voters because a pre-req to debating is access to the activity.

### Advocacy

#### Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.

#### Enforcement is to eliminate all IPR for medicines

Baker 16 Brook Baker (Professor of Law, Northeastern University. He is a senior policy analyst for Health GAP (Global Access Project) and is actively engaged in campaigns for universal access to treatment, prevention, and care for people living with HIV/AIDS, especially expanded and improved medical treatment. He has written and consulted extensively on intellectual property rights, trade, access to medicines and medicines regulatory policy, including with the African Union, NEPAD, Uganda, ASEAN, Thailand, Indonesia, Venezuela, CARICOM, UK DfID, the World Health Organization, the Millennium Development Goals Project, the Global Fund to Fight AIDS, Tuberculosis and Malaria, Open Society Institute, UNDP, UNITAID, the Medicines Patent Pool, the Global Commission on HIV and the Law, and others).  and Health GAP, Contribution to the United Nations Secretary-General's High-Level Panel on Access to Medicines, February 26, 2016, http://www.unsgaccessmeds.org/inbox/2016/2/26/z73kpodxk4jw96mhqe2tivq0sdl g3v/

This contribution explicitly supports and is supplemental to the R&D Agreement contribution submitted by MSF, KEI, and others that focuses on rationalizing and strengthening incentives, and legal frameworks for R&D, that promote innovation and access to health technologies. However, this contribution focuses primarily on access and calls for the dismantling of global, regional, bilateral, and national IP regimes that negatively impact the global community’s access needs. It focuses on patents, the most obvious and important source of exclusivity for right holders, but also on data and regulatory market exclusivities and linkages, trade secret law, and trademark and copyright protections, which are increasingly embedded in operating systems of diagnostics and other health technologies. At present, the vast majority of countries are members of the World Trade Organization. As members, they are subject to the minimum standards of IP protections set forth in the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). Although there are transition periods that still apply to least developed country members, most WTO members are now subject to the whole panoply of IPRs and IP enforcement mechanisms set forth in TRIPS. As such, for IP barriers to be dismantled on health technologies, it will be necessary to amend or otherwise supersede TRIPS’s application to those technologies. The proposed non-application of TRIPS to medical technologies could be accomplished as follows: Article 6bis: Exhaustion and Non-Application to Medical Technologies 1. For the purposes of dispute settlement under this Agreement, subject to the provisions in Articles 3 and 4 nothing in this Agreement shall be used to address the issue of exhaustion of intellectual property rights. 2. Nothing in this Agreement shall apply to medical technologies as defined. Definition of medical technologies: pharmaceutical and biologic products, vaccines, diagnostics, and related health technologies. Article 7bis Right to health and other objectives The protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare and to the fulfillment of the human right to health, and to a balance of rights and obligations. Members shall not implement the Agreement in a manner that weakens the promotion or protection of the right to health and of access to health technologies. Article 13 bis Exemptions, limitations and exceptions Members shall confine limitations and exceptions to exclusive rights to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the interests of the right holder. This section shall not apply to copyrights, trademarks and related rights embedded in health technologies, including the systems of internet or other transmission of health-related information from a health technology elsewhere. Article 27(1) bis Subject to the provisions of paragraph 2, 3, 6, and 7, patents shall be available, whether for products or processes, in all fields of technology, except health technologies, provided that they are new, involve an inventive step and are industrially applicable. Article 27(4) bis Members shall exclude health technologies. Article 39.3bis 3. Members, when requiring, as a condition of approving the marketing of pharmaceutical or of agricultural chemical products which utilize new chemical entities, the submission of undisclosed test or other data, the origination of which involves considerable effort, shall protect such data against unfair commercial use. In addition, Members shall need not protect such data against disclosure, except where such disclosure is necessary to protect the public in the public interest, or unless steps are taken to ensure that the data are protected from unfair commercial use. In addition to amending the TRIPS Agreement, it will be necessary to formally amend multiple regional and bilateral trade and economic partnership agreements and investment treaties/provisions. Many regional and bilateral trade agreements contain IPR provisions similar to those in the TRIPS Agreement and/or provisions that are TRIPS-plus. These agreements are binding on parties, so to achieve the desired IPR reform, such agreements need to be amended to remove IPR protections on health technologies. There are far too many such agreements to list or discuss, but reform must be undertaken. Similarly, it will be necessary to reform the WIPO Patent Cooperation Treaty to exempt health technologies from patent filings and to do the same with respect to the Harare Protocol (relating to the African Regional Intellectual Property Organization), the Bangui Agreement (relating to the African Intellectual Property Organization), the Eurasian Patent Convention (affecting the Eurasian Patent Organization), and any other relevant regional patent processing entities. Addressing agreements on IPRs is not enough unless investment agreements are also amended to remove investor protections on health technologies. Just as there was a carve-out for Tobacco in the recently negotiated Trans-Pacific Partnership Agreement (however imperfect), there could be a new and stronger carve out for health technologies. At present, more and more investment agreements directly cover IPRs and give foreign investor rights to bring private investor-state-dispute-settlement (ISDS) claims directly to private arbiters. These new IPR enforcement rights are particularly dangerous as they give right holders powers to directly challenge government IP policy and decisions that adversely impact their expectation of unbridled profits, as is currently claimed in the US$500 million Eli Lilly v. Canada ISDS case. To complete the reform process, it will be necessary to revise IP laws at the national level to incorporate the health technology exclusion. This will be an enormous undertaking technically and politically, even more so where IP is constitutionally protected. Even in these circumstances, if the interests of inventors and creators are adequately protected under a new R&D incentive system, then constitutional requirements may well be satisfied. Similarly, protecting the interests of creators and sometimes inventors under international human rights regimes does not require resort to IPRs. The economic and attributional interests of inventors and creators can be met through other means.

#### Member nations of the WTO are

Cal Chamber [“World Trade Organization,” California Chamber of Commerce] JL

The WTO and its 164 member nations is the only global international organization dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world’s trading nations and ratified or approved in their parliaments or legislatures. The goal is to help producers of goods and services, exporters and importers conduct their business.

#### To is an infinitive marker

Oxford n.d. [“To,” Oxford English Dictionary] JL

infinitive marker

used with the base form of a verb to indicate that the verb is in the infinitive.

used without a verb following when the missing verb is clearly understood.

"he asked her to come but she said she didn't want to"

#### Reduce means

Cambridge n.d. [“Reduce,” Cambridge English Dictionary] JL

to become or to make something become smaller in size, amount, degree, importance, etc.:

#### Intellectual property protections are

USFG 14 [(US Mission to International Organizations in Geneva) “Key Forms of Intellectual Property Protection,” 4/24/2014] JL

The key forms of intellectual property protection are patents, copyrights, trademarks and trade secrets. Because intellectual property shares many of the characteristics of real and personal property, associated rights permit intellectual property to be treated as an asset that can be bought, sold, licensed or given away. Intellectual property laws enable owners, inventors and creators to protect their property from unauthorized use.

#### For means

Merriam-Webster n.d. [(“For: Preposition,” Merriam-Webster] JL

—used as a function word to indicate purpose

a grant for studying medicine

#### Medicine is

Lexico ND [(Lexico dictionary) https://www.lexico.com/definition/medicine] BC

The science or practice of the diagnosis, treatment, and prevention of disease (in technical use often taken to exclude surgery)

#### Ought is an obligation – outweighs because entry 1.

Merriam Webster ["Ought." Merriam-Webster.com. Merriam-Webster, n.d. Web. 27 Dec. 2018. [https://www.merriam-webster.com/dictionary/ought //](https://www.merriam-webster.com/dictionary/ought%20//) ABML]Top of Form

Ought [auxiliary verb](https://www.merriam-webster.com/dictionary/auxiliary%20verb) \ˈȯt  \ Definition of ought  (Entry 1 of 4) —used to express obligation ought to pay our debts, advisability ought to take care of yourself, natural expectation ought to be here by now, or logical consequence the result ought to be infinity ought [verb](https://www.merriam-webster.com/dictionary/verb) \ˈȯ(ḵ)t  \ Definition of ought (Entry 2 of 4) [transitive verb](https://www.merriam-webster.com/dictionary/transitive) 1chiefly Scotland : [POSSESS](https://www.merriam-webster.com/dictionary/possess) 2chiefly Scotland : [OWE](https://www.merriam-webster.com/dictionary/owe) ought  [noun](https://www.merriam-webster.com/dictionary/noun) \ˈȯt  \ Definition of ought (Entry 3 of 4) : moral obligation : [DUTY](https://www.merriam-webster.com/dictionary/duty) ought \ˈȯt,  ˈät\ Definition of ought (Entry 4 of 4) archaic spelling of [AUGHT](https://www.merriam-webster.com/dictionary/aught)

### Offense

#### 1] Property rights minimize the opportunity of innovation which limits individual freedom through creating monopolies. They also limit the use of tangible objects such as medicines for good purposes.

Cernea and Uszkai 12 Cernea, Mihail-Valentin, and Radu Uszkai. *The Clash between Global Justice and Pharmaceutical Patents: A Critical Analysis*. 2012, the-clash-between-global-justice-and-drug-patents-a-critical-analysis.pdf. SJEP

To make this point clearer, we regard property as an ethical institution which emerged in the context of reiterated conflict between agents for tangible goods. A useful analogy would be, for example, the particular way in which David Hume discusses the emergence of justice in the context of scarcity in which agents pursue their own interests4 . As a result, the purpose of property rights would be that of avoiding or minimizing the possibility of conflict and that of increasing the costs of free-riding or trespassing. Let’s take the following example which will illustrate better our point. Assume that X is a philosophy student and has a copy of Immanuel Kant’s Groundwork of the Metaphysics of Morals. Y is a college of him but he does not have the book. They both have to write an essay on Kant’s categorical imperative. Because Y does not have the book, let’s assume that he decides, whether by the use of coercion or fraud to take his book. As a result, the theft leaves X without his property because tangible goods are rivalrous in consumption. Both student can’t, at the same time but in a different place read about Kant’s categorical imperative from the same copy. Now a different example: suppose X invents a new way of harvesting corn and Y harvests his corn accordingly. This situation is quite different in comparison to the case we presented earlier, because Y does not leaves X without either his new harvesting mechanisms which he created but neither without the idea behind the mechanism. It would be hard to say that Y stole something from X because the consumption of intangible goods such as ideas does not have the same rivalrous property as a copy of a book written by Kant. Actually, the existence of the patent system fosters the scarcity of ideas. In this context patents represent unjustified state-granted monopolies. Moreover, intellectual property rights have another profound immoral consequence: it limits the use of tangible objects which we acquired fully in line with market rules.

#### 2] IPP unjustifiably restricts agents from setting and pursuing ends in healthcare because patents prevent people from taking part in scientific advancements in medicine – that violates freedom in multiple ways

**Hale 18** (Zachary Hale, 4-4-2018, accessed on 8-22-2021, The Arkansas Journal of Social Change and Public Service, "Patently Unfair: The Tensions Between Human Rights and Intellectual Property Protection - The Arkansas Journal of Social Change and Public Service", <https://ualr.edu/socialchange/2018/04/04/patently-unfair/>) BHHS AK

Although the right to the protection of “moral and material interests resulting from any scientific, literary, or artistic production,”[32] is a human right as defined in the UDHR and the ICESCR, the current system of intellectual property protection conflicts with and even violates rights that are considered to be fundamental to human life. Although intellectual property instruments are certainly used to violate essential civil and political freedoms like the freedom of expression, and economic and social freedoms like the freedom to share in the scientific advancements of society, the most blatant violations of human rights caused by intellectual property protection occur in the fields of nutrition, healthcare, and culture.[33] Of these essential entitlements, the rights to food and health are made even more significant by their relationship to the most fundamental of all human rights: the right to life.

#### [2] IPP is inconsistent with free market principles

**Kinsella 11** (Stephan Kinsella, 5-25-2011, accessed on 8-23-2021, Foundation for Economic Education, "How Intellectual Property Hampers the Free Market | N. Stephan Kinsella", <https://fee.org/articles/how-intellectual-property-hampers-the-free-market/>) BHHS AK

But are they? There are good reasons to think that IP is not actually property—that it is actually antithetical to a private-property, free-market order. By intellectual property, I mean primarily patent and copyright. It’s important to understand the origins of these concepts. As law professor Eric E. Johnson notes, “The monopolies now understood as copyrights and patents were originally created by royal decree, bestowed as a form of favoritism and control. As the power of the monarchy dwindled, these chartered monopolies were reformed, and essentially by default, they wound up in the hands of authors and inventors.” Patents were exclusive monopolies to sell various goods and services for a limited time. The word patent, historian Patricia Seed explains, comes from the Latin patente, signifying open letters. Patents were “open letters” granted by the monarch authorizing someone to do something—to be, say, the only person to sell a certain good in a certain area, to homestead land in the New World on behalf of the crown, and so on. It’s interesting that many defenders of IP—such as patent lawyers and even some libertarians—get indignant if you call patents or copyright a monopoly. “It’s not a monopoly; it’s a property right,” they say. “If it’s a monopoly then your use of your car is a monopoly.” But patents are State grants of monopoly privilege. One of the first patent statutes was England’s Statute of Monopolies of 1624, a good example of truth in labeling. Granting patents was a way for the State to raise money without having to impose a tax. Dispensing them also helped secure the loyalty of favorites. The patentee in return received protection from competition. This was great for the State and the patentee but not for competition or the consumer. In today’s system we’ve democratized and institutionalized intellectual property. Now anyone can apply. You don’t have to go to the king or be his buddy. You can just go to the patent office. But the same thing happens. Some companies apply for patents just to keep the wolves at bay. After all, if you don’t have patents someone might sue you or reinvent and patent the same ideas you are using. If you have a patent arsenal, others are afraid to sue you. So companies spend millions of dollars to obtain patents for defensive purposes. Large companies rattle their sabers or sue each other, then make a deal, say, to cross-license their patents to each other. That’s fine for them because they have protection from each other’s competition. But what does it do to smaller companies? They don’t have big patent arsenals or a credible countersuit threat. So patents amount to a barrier to entry, the modern version of mercantilist protectionism. What about copyright? The roots literally lie in censorship. It was easy for State and church to control thought by controlling the scribes, but then the printing press came along, and the authorities worried that they couldn’t control official thought as easily. So Queen Mary created the Stationer’s Company in 1557, with the exclusive franchise over book publishing, to control the press and what information the people could access. When the charter of the Stationer’s Company expired, the publishers lobbied for an extension, but in the Statute of Anne (1710) Parliament gave copyright to authors instead. Authors liked this because it freed their works from State control. Nowadays they use copyright much as the State originally did: to censor and ban books. (More below.) IP, American Style The American system of IP began with the U.S. Constitution. Article 1, Section 8, Clause 8 authorizes (but doesn’t require) Congress “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” Despite modern IP proponents’ claims to the contrary, the American founders did not view intellectual property as a natural right but only as a policy tool to encourage innovation. Yet they were nervous about monopoly privilege, which is why patents and copyrights were authorized only for a limited time. Even John Locke, whose thought influenced the Founding Fathers, did not view copyright and patent as natural rights. Nor did he maintain that property homesteading applied to ideas. It applied only to scarce physical resources. Granted, some state constitutions had little versions of copyright before the American Constitution. (See Tom W. Bell, Intellectual Privilege: Copyright, Common Law, and the Common Good, part 1, chapter 3, section B.1.) On occasion, the language of natural rights was used to defend it, but this was just cover for the monopolies they granted to special interests. Natural rights do not expire after 15 years. Natural rights are not extended to Americans only. Natural rights wouldn’t exclude many types of innovation and intellectual creativity and cover only a few arbitrary types. And what is the result of this system? In the case of patents we have a modern statute administered by a huge federal bureaucracy that grants monopolies on the production and trade of various things, which means holders may ask the federal courts to order the use of force to stop competitors. But the competitors have not done anything that justifies force. They merely have used information to guide their actions with respect to their own property. Is that compatible with private property and the free market?

#### That affirms: Free market economies are the only ones that allow people to be free to pursue their own interests.

**Richman 12** [Sheldon Richman, 8-5-2012, "The Free Market Doesn't Need Government Regulation," Reason, <https://reason.com/2012/08/05/the-free-market-doesnt-need-government-r/>] // SJ AME

What regulates the conduct of these people? Market forces. (I keep specifying "in a freed market" because in a state-regulated economy, competitive market forces are diminished or suppressed.) Economically speaking, people cannot do whatever they want—and get away with it—in a freed market because other people are free to counteract them and it's in their interest to do so. That's part of what we mean by market forces. Just because the government doesn't stop a seller from charging $100 for an apple doesn't mean he or she can get that amount. Market forces regulate the seller as strictly as any bureaucrat could—even more so, because a bureaucrat can be bribed. Whom would you have to bribe to win an exemption from the law of supply and demand? (Well, you might bribe enough legislators to obtain protection from competition, but that would constitute an abrogation of the market.) It is no matter of indifference whether state operatives or market forces do the regulating. Bureaucrats, who necessarily have limited knowledge and perverse incentives, regulate by threat of physical force. In contrast, market forces operate peacefully through millions of cooperating participants, each with intimate knowledge of her own personal circumstances and looking out for her own well-being. Bureaucratic regulation is likely to be irrelevant or (more likely) inimical to what people in the market care about. Not so regulation by market forces.

#### [3] Contesting offense under the Aff framework is a voting issue. Reciprocity – I have to win my framework and beat the NC before I can access case, whereas you can collapse to either layer or dump on offense for 7 minutes as a no-risk issue so there’s a skew. Key to fairness because it’s definitionally equal access to the ballot.

### ROB

#### Use comparative worlds –

#### A] topic ed – forces the neg to research the topic instead of low quality rez flaw args – the only benefit to debate is making us better arguers not perfect logicians

#### B] reciprocity – truth-testing allows the neg to disprove any part of the aff, but the aff has to defend every part, which gives the neg too much ground

#### C] inclusion – truth testing says rez is only thing that’s relevant which excludes ks – either only the rez matters so we can’t punish slurs, or people should get dropped for making debate unsafe which proves other things matter

### UV

#### [1] Presumption and permissibility affirm –

#### [a] Statements are true before false since if I told you my name, you’d believe me.

#### [b] Epistemics – we wouldn’t be able to start a strand of reasoning since we’d have to question that reason.

#### [c] Otherwise we’d have to have a proactive justification to do things like drink water.

#### [d] If anything is permissible, then definitionally so is the aff since there is nothing that prevents us from doing it.

#### 2] 1AR theory is legit – anything else means infinite abuse – drop the debater, competing interps, no rvis– 1AR is too short to make up for the time trade-off – no RVIs or 2NR theory and paradigm issues– 6 min 2NR means they can brute force me every time. Aff theory first – it’s a much larger strategic loss because 1min is ¼ of the 1AR vs 1/7 of the 1NC which means there’s more abuse if I’m devoting a larger fraction of time.

#### 3] NC Theory –

#### A] It’s drop the argument since the 1AC speaks in the dark and violates countless bidirectional interps no matter what so we shouldn’t be punished for it.

#### B] Reasonability since the 1AR is too short to effectively win offense against a 6-minute 2nr dump.

#### C] Yes RVIs – k2 topic edu by deterring friv violations and forces negs to think twice before skewing the 1AR since they know each shell is another split in the 2N, also k2 reciprocity – T is a unique avenue to the ballot that the aff can’t access – makes T structurally unfair without the RVI which kills fairness.

#### 4] Theory or K indicts on spikes is drop the arg a] my theory paradigms are simply presented models for debate

#### 5] If I win one layer vote aff- The NC has the ability to uplayer for 7 minutes and moot 6 minutes of case

#### 6] The neg may not read meta-theory – I only have time to check abuse 1 time but you can do it in the NC and 2N, up-layering my attempt means we never get to the best norm. This means reject any reason why an aff spike is bad since they claim aff theory is unfair.

#### 7] First, what the neg reads doesn’t prove the resolution false, but challenges an assumption of it. Secondly, statements which make assumptions like the ballot should be read as a tacit conditional which is an if p then q statement. Thirdly, for all conditionals, if the antecedent is false, then the conditional as a whole is true.

### Adv

#### Only the plan can solve covid access – inequalities heighten the risk of mutations and uneven development.

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According to Duke Global Health Innovation Center, which monitors COVID-19 vaccine purchases, rich nations representing just 14 per cent of the world population have bought up to 53 per cent of the most promising vaccines so far. As of 4 July 2021, the high-income countries (HICs) purchased more than half (6.16 billion) vaccine doses sold globally. At the same time, the low-income countries (LICs) received only 0.3 per cent of the vaccines produced. The low and middle-income countries (LMICs), which account for 81 per cent of the global adult population, purchased 33 per cent, and COVAX (COVID-19 Vaccines Global Access) has received 13 per cent.10 Many HICs bought enough doses to vaccinate their populations several times over. For instance, Canada procured 10.45 doses per person, while the UK, EU and the US procured 8.18, 6.89, and 4.60 doses per inhabitant, respectively.11 Consequently, there is a significant disparity between HICs and LICs in vaccine administration as well. As of 8 July 2021, 3.32 billion vaccine doses had been administered globally.12 Nonetheless, only one per cent of people in LICs have been given at least one dose. While in HICs almost one in four people have received the vaccine, in LICs, it is one in more than 500. The World Health Organization (WHO) notes that about 90 per cent of African countries will miss the September target to vaccinate at least 10 per cent of their populations as a third wave looms on the continent.13 South Africa, the most affected African country, for instance, has vaccinated less than two per cent of its population of about 59 million. This is in contrast with the US where almost 47.5 per cent of the population of more than 330 million has been fully vaccinated. In Sub-Saharan Africa, vaccine rollout remains the slowest in the world. According to the International Monetary Fund (IMF), at current rates, by the end of 2021, a massive global inequity will continue to exist, with Africa still experiencing meagre vaccination rates while other parts of the world move much closer to complete vaccination.14 This vaccine inequity is not only morally indefensible but also clinically counter-productive. If this situation prevails, LICs could be waiting until 2025 for vaccinating half of their people. Allowing most of the world’s population to go unvaccinated will also spawn new virus mutations, more contagious viruses leading to a steep rise in COVID-19 cases. Such a scenario could cause twice as many deaths as against distributing them globally, on a priority basis. Preventing this humanitarian catastrophe requires removing all barriers to the production and distribution of vaccines. TRIPS is one such barrier that prevents vaccine production in LMICs and hence its equitable distribution. TRIPS: Barrier to Equitable Health Care Access The opponents of the waiver proposal argue that IPR are not a significant barrier to equitable access to health care, and existing TRIPS flexibilities are sufficient to address the COVID-19 pandemic. However, history suggests the contrary. For instance, when South Africa passed the Medicines and Related Substances Act of 1997 to address the HIV/AIDS public health crisis, nearly 40 of world’s largest and influential pharma companies took the South African government to court over the violation of TRIPS. The Act, which invoked the compulsory licensing provision, allowed South Africa to produce affordable generic drugs.15 The Big Pharma also lobbied developed countries, particularly the US, to put bilateral trade sanctions against South Africa.16 Similarly, when Indian company Cipla decided to provide generic antiretrovirals (ARVs) to the African market at a lower cost, Big Pharma retaliated through patent litigations in Indian and international trade courts and branded Indian drug companies as thieves.17 Another instance was when Swiss company Roche initiated patent infringement proceedings against Cipla’s decision to launch a generic version of cancer drug, “erlotinib”. Though the Delhi High Court initially dismissed Roche's appeal by citing “public interest” and “affordability of medicines,” the continued to pressure the generic pharma companies over IPR. 18 Likewise, Pfizer’s aggressive patenting strategy prevented South Korea in developing pneumonia vaccines for children.19 A recent document by Médecins Sans Frontières (MSF), or Doctors Without Borders, highlights various instances of how IP hinders manufacturing and supply of diagnostics, medical equipment, treatments and vaccines during the COVID-19 pandemic. For instance, during the peak of the COVID-19 first wave in Europe, Roche rejected a request from the Netherlands to release the recipe of key chemical reagents needed to increase the production of diagnostic kits. Another example was patent holders threatening producers of 3D printing ventilators with patent infringement lawsuits in Italy.20 The MSF also found that patents pose a severe threat to access to affordable versions of newer vaccines.21 The opponents of the TRIPS waiver also argue that IP is the incentive for innovation and if it is undermined, future innovation will suffer. However, most of the COVID-19 medical innovations, particularly vaccines, are developed with public financing assistance. Governments spent billions of dollars for COVID-19 vaccine research. Notably, out of $6.1 billion in investment tracked up to July 2021, 98.12 per cent was public funding.22 The US and Germany are the largest investors in vaccine R&D with $2.2 billion and $1.5 billion funding. Private companies received 94.6 per cent of this funding; Moderna received the highest $956.3 million and Janssen $910.6 million. Moreover, governments also invested $50.9 billion for advance purchase agreements (APAs) as an incentive for vaccine development. A recent IMF working paper also notes that public research institutions were a key driver of the COVID-19 R&D effort—accounting for 70 per cent of all COVID-19 clinical trials globally.23 The argument is that vaccines are developed with the support of substantial public financing, hence there is a public right to the scientific achievements. Moreover, private companies reaped billions in profits from COVID-19 vaccines. One could argue that since the US, Germany and other HICs are spending money, their citizens are entitled to get vaccines first, hence vaccine nationalism is morally defensible. Nonetheless, it is not the case. The TRIPS Agreement includes several provisions which mandates promotion of technology transfer from developed countries to LDCs. For instance, Article 7 states that "the protection and enforcement of IP rights should contribute to the promotion of technological innovation and the transfer and dissemination of technology, to the mutual advantage of producers and users of technical knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations."24 Similarly, Article 66.2 also mandates the developed countries to transfer technologies to LDCs to enable them to create a sound and viable technological base. The LMICs opened their markets and amended domestic patent laws favouring developing countries’ products against this promise of technology transfer. Another argument against the proposed TRIPS waiver is that a waiver would not increase the manufacturing of COVID-19 vaccines. Indeed, one of the significant factors contributing to vaccine inequity is the lack of manufacturing capacity in the global south. Further, a TRIPS waiver will not automatically translate into improved manufacturing capacity. However, a waiver would be the first but essential step to increase manufacturing capacity worldwide. For instance, to export COVID-19 vaccine-related products, countries need to ensure that there are no IP restrictions at both ends – exporting and importing. The market for vaccine materials includes consumables, single-use reactors bags, filters, culture media, and vaccine ingredients. Export blockages on raw materials, equipment and finished products harm the overall output of the vaccine supply chain. If there is no TRIPS restriction, more governments and companies will invest in repurposing their facilities. Similarly, the arguments such as that no other manufacturers can carry out the complex manufacturing process of COVID-19 vaccines and generic manufacturing as that would jeopardise quality, have also been proven wrong in the past. For instance, in the early 1990s, when Indian company Shantha Biotechnics approached a Western firm for a technology transfer of Hepatitis B vaccine, the firm responded that “India cannot afford such high technology vaccines… And even if you can afford to buy the technology, your scientists cannot understand recombinant technology in the least.”25 Later, Shantha Biotechnics developed its own vaccine at $1 per dose, and the UNICEF (United Nations Children’s Emergency Fund) mass inoculation programme uses this vaccine against Hepatitis B. In 2009, Shantha sold over 120 million doses of vaccines globally. India also produces high-quality generic drugs for HIV/AIDS and cancer treatment and markets them across the globe. Now, a couple of Indian companies are in the last stage of producing mRNA (Messenger RNA) vaccines.26 Similarly, Bangladesh and Indonesia claimed that they could manufacture millions of COVID-19 vaccine doses a year if pharmaceutical companies share the know-how.27 Recently, Vietnam also said that the country could satisfy COVID-19 vaccine production requirements once it obtains vaccine patents.28 Countries like the United Arab Emirates (UAE), Turkey, Cuba, Brazil, Argentina and South Korea have the capacity to produce high-quality vaccines but lack technologies and know-how. However, Africa, Egypt, Morocco, Senegal, South Africa and Tunisia have limited manufacturing capacities, which could also produce COVID-19 vaccines after repurposing. Moreover, COVID-19 vaccine IPR runs across the entire value chain – vaccine development, production, use, etc. A mere patent waiver may not be enough to address the issues related to its production and distribution. What is more important here is to share the technical know-how and information such as trade secrets. Therefore, the existing TRIPS flexibilities, such as compulsory and voluntary licensing, are insufficient to address this crisis. Further, compulsory licensing and the domestic legal procedures it requires is cumbersome and not expedient in a public health crisis like the COVID-19 pandemic. India’s Role in Ensuring Vaccine Equity India's response to COVID-19 at the global level was primarily two-fold. First, its proactive engagements in the regional and international platforms. Second, its policies and programmes to provide therapeutics and vaccines to the world. Since the beginning of the COVID-19 pandemic, India has been advocating international cooperation and policy coordination in fighting it. For instance, in April 2020, India co-sponsored a UN resolution that called for fair and equitable access to essential medical supplies and future vaccines to COVID-19. Later, in October 2020, India also put pressure on developed countries with a joint WTO proposal for TRIPS waiver. India’s Vaccine Maitri initiative also aims vaccine equity. As of 29 May 2021, India has supplied 663.698 lakh doses of COVID-19 vaccines to 95 countries. It includes 107.15 lakh doses as a gift to more than 45 countries, 357.92 lakh doses by commercial sales, and 198.628 lakh doses to the COVAX facility.29 The COVAX initiative aims to ensure rapid and equitable access to COVID-19 vaccines for all countries, regardless of their income level. India has decided to supply 10 million doses of the vaccine to Africa and one million to the UN health workers under the COVAX facility. India has also removed the IPR of Covaxin that would help platforms like C-TAP once WHO and developed countries’ regulatory bodies approve the vaccine. If agreed, the waiver would benefit India in many ways. First, more vaccines will help the country to control the pandemic and its recurring waves. Second, it will be a boost to India's pharma industry, particularly the generic medicine industry. According to the Biotechnology Innovation Organization, 834 unique active compounds are involved in the current R&D of COVID-19 therapeutics, vaccines, and diagnostics. It means that thousands of new patents are awaited, and that will hinder India's ability to produce COVID-19 related medical products. Only through a waiver, this challenge can be addressed. Similarly, scientists note that mRNA is the future of vaccine technology. However, manufacturing mRNA vaccines involves complex processes and procedures. Only a very few Indian manufacturers have access to this technology; however, that too is limited. Once Indian companies have access to mRNA technology, it will help country’s generic medicine industry and boost India’s economy. Therefore, even if the WTO agrees on a waiver for a period shorter than proposed, India should accept it. In addition, mRNA vaccines can be produced in lesser time compared to the traditional vaccines. While traditional vaccines’ production takes four to five months, mRNA needs only six to eight weeks. Access to this technology will be vital for India in expediting the fight against COVID-19 and future pandemics. Finally, a waiver may strengthen India's diplomatic soft power. At present, what hinders India's Vaccine Maitri initiative is the scarcity of vaccines at home. On the other hand, China is increasing its standing in Africa, South America and the Pacific through vaccine diplomacy. The WHO approval of the Chinese vaccines and lack of access to vaccines by most developing countries, opens up huge space for China to do its vaccine diplomacy. Here, India should convince its Quad partners, particularly Australia and Japan, who oppose the waiver that vaccine production in developing countries through TRIPS waiver will enable the grouping to deliver its pledged billion doses of COVID-19 vaccine in the Indo-Pacific region. In short, the proposed waiver, if agreed, will help India in addressing the public health crisis by producing more vaccines and distributing them at home; economically, by boosting its generic pharmaceutical industry, and diplomatically, providing vaccines to the developing and least-developed countries. Therefore, India should use all available means and methods, from trade-offs to pressurising, to make the waiver happen.

#### Current vaccination rates aren’t enough to meet targets – expansion of vaccine nationalism and imperialist exploitation.

Jimenez 9/22 [Darcy; 9/22/21; Healthcare Reporter; “Big pharma fuelling human rights crisis over Covid-19 vaccine inequity, says Amnesty,” Pharmaceutical Technology, <https://www.pharmaceutical-technology.com/features/big-pharma-human-rights-crisis-vaccine-covid-19-inequity-amnesty/>] Justin

Major Western Covid-19 vaccine manufacturers are “causing human rights harms” by prioritising wealthy countries and refusing to share intellectual property (IP) and technology, Amnesty International have said in a report published today. The human rights group has accused six companies – Pfizer, BioNTech, Moderna, AstraZeneca, Johnson & Johnson and Novavax – of neglecting their responsibility to respect human rights by failing to fairly allocate vaccine doses across the globe. In the 64-page report, the organisation also cites unfair prices and a lack of transparency regarding contracts, pricing and technology as contributing factors to the desperate vaccine inequity seen in poorer countries. “Despite receiving billions of dollars in government funding and advance orders which effectively removed risks normally associated with the development of medicines, vaccine developers have monopolised intellectual property, blocked technology transfers, and lobbied aggressively against measures that would expand the global manufacturing of these vaccines,” it said. “Some companies – Pfizer, BioNTech and Moderna – have so far delivered almost exclusively to rich countries, putting profit before access to health for all.” According to the report, 98% of all Pfizer-BioNTech vaccine deliveries had been allocated to high- and upper-middle-income countries at the beginning of September. Amnesty said this is also the case for 88% of jabs from Moderna, which is yet to deliver a single dose to a low-income country. Vaccine hoarding and inequality While almost six billion Covid-19 vaccine doses have been administered worldwide so far – and wealthier countries have begun vaccinating children and offering additional booster jabs – a measly 0.3% of shots have been distributed to the world’s poorest nations. Around 55% of people in rich countries are fully vaccinated against coronavirus, compared to fewer than 1% in lower-income nations, Amnesty highlighted. The report acknowledged that rich states have hoarded supplies of Covid-19 vaccines, but said that vaccine makers have “played a decisive role in limiting global vaccine production and obstructing fair access to a life-saving health product” by refusing to take measures that would boost global vaccine supply. Since the start of the pandemic, several initiatives have been launched to tackle vaccine scarcity by sharing knowledge and technology. To date, the companies mentioned in Amnesty’s report have refused to take part in these schemes and remain opposed to the temporary waiver of vaccine IP proposed at the World Trade Organization (WTO) by India and South Africa last year. Biopharma trade associations have argued that waiving vaccine IP would undermine innovation in drug development. In April, Biotechnology Innovation Organization president and CEO Michelle McMurry-Heath argued in a guest editorial for The Economist that the WTO proposal “destroys the incentive for companies to take risks to find solutions for the next health emergency”. 100 days to act Alongside the publication of its report, Amnesty has launched a global campaign giving countries and pharmaceutical companies 100 days – until the end of the year – to meet the World Health Organization’s target of vaccinating 40% of the population of low and lower-middle income countries. The group is urging countries to “redistribute hundreds of millions of excess vaccine doses currently sitting idle”, and wants vaccine makers to ensure that at least 50% of doses produced are delivered to low and lower-middle income countries. Amnesty International’s secretary general Agnès Callamard said: “Vaccinating the world is our only pathway out of this crisis. Now should be time to hail these companies – who created vaccines so quickly – as heroes. “But instead – and to their shame – big pharma’s intentional blocking of knowledge transfer and their wheeling and dealing in favour of wealthy states has brewed an utterly devastating vaccine scarcity for so many others. “Their actions are plunging parts of Latin America, Africa and Asia into renewed crises, pushing weakened health systems to the very brink and causing tens of thousands of preventable deaths every week. In many low-income countries not even health workers or at-risk people have received the vaccine. “Against the backdrop of these gross inequalities, BioNTech, Moderna and Pfizer are set to make $130bn combined by the end of 2022. “Profits should never come before lives.”

#### Yes scale-up for COVID.

---AT: IP already waived

Erfani et al. 8/3 [Parsa Erfani, Agnes Binagwaho, Mohamed Juldeh Jalloh, Muhammad Yunus, Paul Farmer, Vanessa Kerry; 8/3/21; Harvard Medical School, Boston, USA 2 University of Global Health Equity, Rwanda 3 Sierra Leone 4 Yunus Centre, Bangladesh 5 Global Health and Social Medicine, Harvard Medical School, Boston, USA 6 Division of Global Health Equity, Brigham and Women’s Hospital, USA 7 Partners In Health, USA 8 Seed Global Health, USA 9 Program in Global Public Policy and Social Change, Harvard Medical School, Boston, USA 10 Division of Pulmonary and Critical Care Medicine, Massachusetts General Hospital, USA; “*Intellectual property waiver for covid-19 vaccines will advance global health equity*,” BMJ, <https://www.bmj.com/content/bmj/374/bmj.n1837.full.pdf>] Justin

What effect would a waiver have? Contrary to detractors’ concerns about the possible effect of a temporary TRIPS waiver, global health analyses suggest that it will be vital to equitable and effective action against covid-19. LMIC’s manufacturing capabilities have been underestimated, even though several LMICs have the scientific and manufacturing capacity to produce complex covid-19 vaccines. India, Egypt, and Thailand are already manufacturing viral vector or mRNA-based covid-19 vaccines,8 -10 and vaccine production lines could be established within months in some other LMICs,11 offering substantial benefit in a pandemic that will last years.11 Companies in India and China have already developed complex pneumococcal and hepatitis B recombinant vaccines, challenging existing vaccine monopolies.12 The World Health Organization launched an mRNA technology transfer hub in April 2021 to provide the logistical, training, and know-how support needed for manufacturers in LMICs to repurpose or expand existing manufacturing capacity to produce covid-19 vaccines and to help navigate accessing IP rights for the technology.13 Twenty five respondents from LMICs expressed interest, and South Africa was selected as the first hub, with plans to start producing the vaccine through the Biovac Institute in the coming months.14 Removing IP barriers through the waiver will facilitate these efforts, more rapidly enable future hubs, engage a greater number of manufacturers, and ultimately yield more doses faster. Moreover, as the waiver facilitates vaccine production, demand for raw materials and active ingredients will increase. Coupled with pre-emptive planning to anticipate and expand raw material production, the waiver—which encompasses the IP of all covid-19 vaccine-related technology— can offer a path to overcome bottlenecks and expand production of necessary vaccine materials. Current licensing mechanisms inadequate Voluntary licences have not and will not keep pace with public health demand. Since companies determine the terms of voluntary licences, they are often granted to LMICs that can afford them, leaving out poorer regions.10 For example, in South Asia, AstraZeneca has voluntarily licensed its vaccine to the Serum Institute of India, even though the region has multiple capable vaccine manufacturers.9 Many covid-19 vaccine developers have not taken steps towards licensing their technologies, simply because there is limited financial incentive to do so.11 To date, none have shared IP protected vaccine information with the WHO Covid-19 Technology Access Pool (C-TAP) established last year.15 Relying on the moral compass of companies that answer to shareholders to voluntarily license their technologies will have limited effect on vaccine equity. Their market is driven by profit margins, not public health. Compulsory licensing by LMICs will also be insufficient in rapidly expanding vaccine production, as each patent licence must be negotiated separately by each country and for each product based on its own merit. From 1995 to 2016, 108 compulsory licences were attempted and only 53 were approved.6 The case-by-case approach is slow and not suitable for a global crisis that requires swift action. In addition, TRIPS requires compulsory licences to be used predominantly for domestic supply, limiting exports of the licensed goods to nearby low income countries without production capacity.5 Although a “special” compulsory licence system was agreed in the Doha declaration to allow for expeditious exportation and importation (formalised as the article 31bis amendment to TRIPS in 2017), the provision is limited by cumbersome logistical procedures and has been rarely used.16 Governments may also be hesitant to pursue compulsory licences as high income countries have previously bullied them for doing so. Since India first used compulsory licensing for sorafenib tosylate in 2012 (reducing the cancer drug’s price by 97%), the US has consistently pressured the country not to use further compulsory licences.17 During this pandemic, Gilead sued the Russian government for issuing a compulsory licence for remdesivir.18 Furthermore, while compulsory licences are primarily for patents, covid-19 vaccines often have other types of IP, including trade secrets, that are integral for production.19 The emergency TRIPS waiver removes all IP as a barrier to starting production (not just patents) and negates the prolonged time, inconsistency, frequent failure, and political pressure that accompany voluntary licensing and compulsory licensing efforts. It also provides an expeditious path for new suppliers to import and export vaccines to countries in need without bureaucratic limitations. Finally, there is no compelling evidence that the proposed TRIPS waiver would dismantle the IP system and its innovation incentives. The waiver is restricted to covid-19 related goods and is time limited, helping to protect future innovation. It would, however, reduce profit margins on current covid-19 vaccines. With substantial earnings in the first quarter of 2021, many drug companies have already recouped their research and development costs for covid-19 vaccines.20 However, they have not been the sole investors in vaccine development, and they should not be the only ones to profit. Most vaccines received a substantial portion of their direct funding from governments and not-for-profit organisations—and for some, such as Moderna and Novavax, nearly all.21 Decades of publicly funded research have laid the groundwork for current innovations in the background technologies used for vaccines.22 Given that companies were granted upfront risk protection for covid-19 vaccine research and development, a waiver that advances global public health but reduces vaccine profits in a global crisis is reasonable. Knowledge transfer An IP waiver for covid-19 vaccines is integral to boosting vaccine supply, breaking vaccine monopolies, and making vaccines more affordable in LMICs. It is, however, only a first, but necessary, step. Originator companies must transfer vaccine technology and share know-how with C-TAP, transfer hubs, or individual manufacturers to help suppliers begin production.23 In addition, governments must leverage domestic law, private sector incentives, and contract terms with pharmaceutical companies to compel companies to cooperate with such transfers.24 If necessary, governments can require technology transfers in exchange for continuing enterprise in a country or avoiding penalties. Politicians and leaders are at a critical juncture: they will either take the necessary steps to make vaccine technology available to scale production, stimulate global collaboration, and create a path to equity or they will protect a hierarchical system based on an economic bottom line. The former will not only build a vaccination trajectory that puts equal value on the lives of the rich and the poor, but will also help stem the pandemic’s relentless momentum and quell the emergence of variants. We are in the middle of one of the largest vaccination efforts in human history. We cannot rely on companies to thread the needle of corporate social and moral responsibility with shareholder and stock value returns nor expect impacted governments to endure lengthy bureaucratic licensing processes in this time of crisis. It will be a legacy of apathy and unnecessary death. As the human impact of the proposed IP waiver becomes clear, consensus behind it is growing. Countries that previously opposed the waiver—such as the US and Brazil—now support written text based negotiations.7 Opposing countries must stop blocking the waiver, engage in transparent text negotiations, and commit to reaching consensus swiftly. The longer states stall, the more people die needlessly. Covid-19 has repeatedly shown that people without access to resources such as strong health systems, health workers, medicines, and vaccines will preferentially fall ill and die. For too long, this cycle has been “other people’s” problem. It is not. It is our problem.

#### That escalates security threats – extinction.

---AT: Cooperation Thesis

RECNA et al. 21 [Research Center for Nuclear Weapon Abolition; Nagasaki, Japan; “Pandemic Futures and Nuclear Weapon Risks: The Nagasaki 75th Anniversary pandemic-nuclear nexus scenarios final report,” Journal for Peace and Nuclear Disarmament; 5/28/21; <https://www.tandfonline.com/doi/full/10.1080/25751654.2021.1890867>] Justin

The Challenge: Multiple Existential Threats The relationship between pandemics and war is as long as human history. Past pandemics have set the scene for wars by weakening societies, undermining resilience, and exacerbating civil and inter-state conflict. Other disease outbreaks have erupted during wars, in part due to the appalling public health and battlefield conditions resulting from war, in turn sowing the seeds for new conflicts. In the post-Cold War era, pandemics have spread with unprecedented speed due to increased mobility created by globalization, especially between urbanized areas. Although there are positive signs that scientific advances and rapid innovation can help us manage pandemics, it is likely that deadly infectious viruses will be a challenge for years to come. The COVID-19 is the most demonic pandemic threat in modern history. It has erupted at a juncture of other existential global threats, most importantly, accelerating climate change and resurgent nuclear threat-making. The most important issue, therefore, is how the coronavirus (and future pandemics) will increase or decrease the risks associated with these twin threats, climate change effects, and the next use of nuclear weapons in war.5 Today, the nine nuclear weapons arsenals not only can annihilate hundreds of cities, but also cause nuclear winter and mass starvation of a billion or more people, if not the entire human species. Concurrently, climate change is enveloping the planet with more frequent and intense storms, accelerating sea level rise, and advancing rapid ecological change, expressed in unprecedented forest fires across the world. Already stretched to a breaking point in many countries, the current pandemic may overcome resilience to the point of near or actual collapse of social, economic, and political order. In this extraordinary moment, it is timely to reflect on the existence and possible uses of weapons of mass destruction under pandemic conditions – most importantly, nuclear weapons, but also chemical and biological weapons. Moments of extreme crisis and vulnerability can prompt aggressive and counterintuitive actions that in turn may destabilize already precariously balanced threat systems, underpinned by conventional and nuclear weapons, as well as the threat of weaponized chemical and biological technologies. Consequently, the risk of the use of weapons of mass destruction (WMD), especially nuclear weapons, increases at such times, possibly sharply. The COVID-19 pandemic is clearly driving massive, rapid, and unpredictable changes that will redefine every aspect of the human condition, including WMD – just as the world wars of the first half of the 20th century led to a revolution in international affairs and entirely new ways of organizing societies, economies, and international relations, in part based on nuclear weapons and their threatened use. In a world reshaped by pandemics, nuclear weapons – as well as correlated non-nuclear WMD, nuclear alliances, “deterrence” doctrines, operational and declaratory policies, nuclear extended deterrence, organizational practices, and the **existential risks** posed by retaining these capabilities – are all up for redefinition. A pandemic has potential to destabilize a nuclear-prone conflict by incapacitating the supreme nuclear commander or commanders who have to issue nuclear strike orders, creating uncertainty as to who is in charge, how to handle nuclear mistakes (such as errors, accidents, technological failures, and entanglement with conventional operations gone awry), and opening a brief opportunity for a first strike at a time when the COVID-infected state may not be able to retaliate efficiently – or at all – due to leadership confusion. In some nuclear-laden conflicts, a state might use a pandemic as a cover for political or military provocations in the belief that the adversary is distracted and partly disabled by the pandemic, increasing the risk of war in a nuclear-prone conflict. At the same time, a pandemic may lead nuclear armed states to increase the isolation and sanctions against a nuclear adversary, making it even harder to stop the spread of the disease, in turn creating a pandemic reservoir and transmission risk back to the nuclear armed state or its allies. In principle, the common threat of the pandemic might induce nuclear-armed states to reduce the tension in a nuclear-prone conflict and thereby the risk of nuclear war. It may cause nuclear adversaries or their umbrella states to seek to resolve conflicts in a cooperative and collaborative manner by creating habits of communication, engagement, and mutual learning that come into play in the nuclear-military sphere. For example, militaries may cooperate to control pandemic transmission, including by working together against criminal-terrorist non-state actors that are trafficking people or by joining forces to ensure that a new pathogen is not developed as a bioweapon. To date, however, the COVID-19 pandemic has increased the isolation of some nuclear-armed states and provided a textbook case of the failure of states to cooperate to overcome the pandemic. Borders have slammed shut, trade shut down, and budgets blown out, creating enormous pressure to focus on immediate domestic priorities. Foreign policies have become markedly more nationalistic. Dependence on nuclear weapons may increase as states seek to buttress a global re-spatialization6 of all dimensions of human interaction at all levels to manage pandemics. The effect of nuclear threats on leaders may make it less likely – or even impossible – to achieve the kind of concert at a global level needed to respond to and administer an effective vaccine, making it harder and even impossible to revert to pre-pandemic international relations. The result is that some states may proliferate their own nuclear weapons, further reinforcing the spiral of conflicts contained by nuclear threat, with cascading effects on the risk of nuclear war.